IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.25491 of 2008
MARKANDEY SINGH
Versus
STATE OF BIHAR
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4. 16.12.2008 Heard Mr. Ashwini Kumar Rai, learned counsel for the petitioner and Mr. Dashrath Mehta, learned A.P.P.

The recovery is of illegal gun and some ammunitions from the possession of the petitioner. Out of the same incident a case under sections 399 and 402 of the Indian Penal Code was also registered and in that case the petitioner was granted bail by me. As regards the recovery of the arms, the contention is that the petitioner bears no criminal antecedent and there is no material in the case diary with regard to criminal antecedent of the petitioner of such nature. The contention further is that the petitioner is a well-off person and the allegation against him is false and fabricated.

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The Court does not see any reason of transplantation and recovery of arms and ammunitions by the police against the petitioner if there was a history in his family of respected and good persons.

Considering the recovery, I am not inclined to direct the release of the petitioner on bail. The petition is dismissed.

However, as soon as the petitioner completes one year of his confinement from the first day of his remand in the case and by that time the trial is not concluded, the petitioner shall be released on bail by the court below itself on execution of bond to its own satisfaction.

(Dharnidhar Jha,J)

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